XV. Section 75 (c), Trees, the property of Government but not growing in Reserved or Protected Forests.

A. EXTRACT FROM LAND REVENUE CODE, 1879, REGARDING TREES—*concluded.*

addition to any penalty to which he may be liable under the provisions of this Act for the occupation of the land or otherwise, and notwithstanding any criminal proceedings which may be instituted against him in respect of his said appropriation of Government property.

The decision of the Collector as to the value of any such tree, or portion thereof, or other natural product, shall be conclusive.

Regulation of supply of firewood and timber for domestic or other purposes.

Section 44.—In villages or lands in which the rights of Government to the trees have been reserved under section 40, subject to certain privileges of the villagers or of certain classes or persons to cut firewood or timber for domestic or other purposes, and in lands which have been set apart under section 38 for Forest Reserves subject to such privileges, and in all other cases in which such privileges exist in respect of any alienated land, the exercise of the said privileges shall be regulated by rules to be from time to time, either generally or in any particular instance, prescribed by the Collector or by such other officer as Government may direct.

In any case of dispute as to the mode or time of exercising any such privileges the decision of the Collector or such other officer shall be conclusive.

B. Rules relating to sections 40 to 44 of Land Revenue Code as given above (section 353 of this Chapter).

General reservations. Rules 91 to 95 made under sections 41 to 44 of the Land Revenue Code regarding trees, the property of Government, not growing in reserved or protected forests.

354. *Rule 91.*—(*1*) The extent to which the right of Government to trees is generally conceded under the second paragraph of section 40 shall be specified in the notification issued under rule 90, sub-rule (*1*). The said general concession will ordinarily extend to all trees, except the following (namely) :—

(*a*) all road-side trees planted by or under the orders of Government;

(*b*) teak, blackwood and sandalwood;

(*c*) trees, the produce of which has hitherto been disposed of by Government.

Special reservations.

(*2*) Trees in groves, trees round temples or places of encampment declared to be such by the Collector, and trees other than teak, blackwood or sandalwood which for any reason are of special value or utility will be specially reserved at the settlement and entries to that effect made in the settlement records.

(*3*) The right to trees of any of the above classes which have already been specially assigned to the occupant or purchased by him, or to trees standing in public places, shall not be affected by this rule or by any notification issued under rule 90, sub-rule (*1*).

NOTE 1.—Rule 90, sub-rule (*1*), relates to the notification of survey settlement.

XV. Section 75 (c), Trees, the property of Government but not growing in Reserved or Protected Forests.

B. RULES RELATING TO SECTIONS 40 TO 44 OF LAND REVENUE CODE—*continued.*

NOTE 2.—If trees on the banks of rivers and nálas grow in land included in an occupied survey number, they belong to the occupant. If they grow in the dry beds of streams which are not included within the boundaries of such a number, they are to be treated as Government property unless and until the occupant can establish his claim to them.

In cases where the boundaries of a field are not laid down on the banks of a stream, the area of the field as recorded in the survey registers should be taken as the guide in determining how far the right of the occupant extends. The occupant should be allowed the benefit of trees on the area recorded, all beyond it being held to be the property of Government, subject to the provisions of the Land Revenue Code regarding alluvion.*

Government may reserve trees not specified in the last rule.

Rule 92.—Notwithstanding anything contained in rule 91, Government may specially reserve their rights to all trees, or to trees of other kinds than those therein enumerated, whenever it may be deemed expedient so to do.

Disposal of trees on occupied lands.

Rule 93.—Subject to the provisions of rules 94 and 95, the disposal of trees on land occupied or being given out for occupation shall be regulated by the following rules :—

I. Of the trees to which the rights of Government are reserved, such numbers or kinds as Government may from time to time direct will be at the disposal of the Forest Department. Lists shall be kept of all occupied numbers, over the trees in which the Forest Department has any control or lien; the clearing of these numbers by the Forest Department shall be arranged in concert with the Collector, and every number when cleared shall be recorded as exempt from all interference in the future on the part of the Forest Department.

II. All reserved trees not placed at the disposal of the Forest Department shall be in charge of the Collector, who may dispose of the same, or of the produce thereof, in such manner as he may from time to time deem fit.

III. In tálukas in which the demarcation of forests has been completed, when the right of occupancy of any unoccupied number containing jungle or valuable trees which have not been included in any forest reserve is granted to any person, the Collector may, if he thinks it better to grant the land for cultivation than to keep it for jungle, offer the jungle or such of the trees as he may see fit, at such valuation as he may see fit, to the occupant. If the occupant agrees to purchase the same, the value shall be recovered from him by the Collector and credited as land revenue.

IV. In tálukas in which the demarcation of forest reserves has not been completed, the Collector may, if he thinks fit, consult the Conservator of Forests before the occupancy of any land containing jungle or valuable trees is granted; and if the occupancy of any such land is granted to any person, the provisions of rule III shall apply :

Provided that specified trees of a valuable kind shall not be cut down, and that in no case shall the occupancy be granted if the land is likely to be required for forests.

* Government Resolution No. 649, dated 30th January 1882.

XV. Section 75 (c), Trees, the property of Government but not growing in Reserved or Protected Forests.

B. RULES RELATING TO SECTIONS 40 TO 44 OF LAND REVENUE CODE—*continued.*

V. Whenever the occupancy of a survey number is disposed of at any time after the first introduction of a survey settlement, trees of the kind specified in rule 91, sub-rule (*1*), clause (*c*), shall be excluded from reservation, and shall be disposed of along with the occupancy under the provisions of the second paragraph of section 62.

VI. Whenever the right to unreserved trees in any survey number is at the disposal of Government simultaneously with the occupancy of such number, all such trees shall invariably be disposed of to the same person who acquires the occupancy and not to any other person.

VII. When the right of Government to the trees in a survey number has been once disposed of to the occupant, or when all the reserved trees have been once cut and removed either—

(*a*) at the grant of the occupancy, or
(*b*) after such grant, or
(*c*) in the Province of Sind at any time before such grant, or
(*d*) elsewhere than in the Province of Sind, within five years before such grant,

Government will have no further claim to trees which may afterwards grow in the number, or which may spring up from the old roots or stumps, so long as the land continues in occupation.

Saving of reserved trees in *varkas* and *beta* lands in certain districts from the operation of rule 93.

Rule 94.—(*1*) Nothing in rule 93 shall be deemed to apply to *varkas* lands in the districts of Thána, Kolába and Ratnágiri, and *beta* lands in the district of Kánara, or to any unalienated land in the Dindori Táluka or the Peint Táluka of the Násik District, or to any land on the banks of streams and nálas in the Godhra Táluka of the Panch Mahál District, or to any river-side jambhul trees growing in occupied lands on the banks of the rivers* noted in the margin in the Párner, Ráhuri, Sangamner and Akola Tálukas of the Ahmednagar District.

* Mula. | Pravara.
Mahis. | Mhalungi.

(*2*) In the said lands the trees on which the rights of Government are reserved shall be available for cuttings to be made from time to time by or under the orders of the Forest Department, in consultation with the Collector.

(*3*) The sale of any such tree or of the timber thereof will confer no right to the after-growth from the root or stump of the tree so cut. The reservation of the rights of Government over the trees will extend to all such after-growth also.

Saving of teak trees in certain talukas from the operation of rule 93.

Rule 95.—(*1*) And, pending the completion of the acquisition of all occupied lands within the sanctioned demarcation limits of forests in the Haveli, Purandhar and Junnar Tálukas and the Ambegaon petha, nothing in rule 93 shall be deemed to apply to teak trees growing in any unalienated land within the said limits.

XV. Section 75 (c), Trees, the property of Government but not growing in Reserved or Protected Forests.

B. RULES RELATING TO SECTIONS 40 TO 44 OF LAND REVENUE CODE—*concluded.*

(*2*) Teak trees growing in any such land shall be available for cuttings to be made from time to time by or under the orders of the Forest Department in consultation with the Collector, and the sale of any teak tree growing in any such land or of the timber thereof will confer no right to the aftergrowth from the root or stump of the tree so cut, but the reservation of the rights of Government over the teak trees will extend to their after-growth also.

C. Government Resolutions regarding trees in Occupied and Waste Numbers and in Government Compounds.

Quoting Government Resolution discussing and giving orders on special cases of rights to trees in different districts.

355. For the Government Resolutions discussing special cases of rights to trees in various districts and giving orders on the same, read the following :—

District.	Subject.	Government Resolution.
Thána	Copies of a letter from Government and the reply of the Remembrancer of Legal Affairs thereto, forwarded to the Commissioner, Northern Division, the Conservator, Northern Circle, and Collector of Thána, for information and guidance.	No. 7800, dated 1st October 1884.
„	Reshoots of reserved trees in varkas lands belonging to Government.	No. 7915, dated 27th October 1893.
„	Disposal of after-growth and trees in occupied numbers to be disposed of at once.	No. 7114, dated 27th September 1897.
„	Regarding limit of time allowed to contractors when cutting royalty trees in Thána.	No. 460, dated 20th January 1898.
Thána and Kolába ...	The right to teak, tiwas, blackwood and sandalwood, in all occupied lands vests to Government in the tálukas coming under the Sanjan and Kolwan Settlement, and waiving its rights in certain lands, in both districts.	No. 10087, dated 23rd December 1892, and No. 7276, dated 15th November 1898.
Kolába	Special rules for reservation of trees below the Ghâts.	No. 3462, dated 5th June 1883.
„	Regarding the disposal of trees in occupied lands.	No. 3906, dated 22nd May 1883, No. 4126, dated 21st May 1885, and No. 3998, dated 4th June 1886.
„	Upholding Rule 98-A and Rule 2 under section 75, Indian Forest Act, as published in Notification No. 343, dated 15th January 1883.	No. 9241, dated 6th December 1889.
„	Proposals to introduce the orders given in Government Resolution No. 7114, dated 27th September 1897, for Thána into the Kolába District.	No. 2112, dated 24th March 1898.